



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,179	06/29/2001	Lin Yu	9209-7	9539

20792 7590 11/12/2003

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

EXAMINER

CHEN, TE Y

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 11/12/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,179

Applicant(s)

YU, LIN

Examiner

Susan Y Chen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-42 are presented for examination.

Specification

2. The title of the invention is not descriptive and too long. A new title is required that is clearly indicative of the invention to which the claims are directed.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicants' cooperation is requested in correcting any errors of which applicants may become aware in the specification.

Claim Objection

3. Claims 4-5, 17-18, 24-25, 31-32, 36,38-39 and 42, are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

As to claims 4-5, 17-18, 24-25, 31-32, 36,38-39 and 42, are objected because the recited features of these claims fail to further limit the subjected matters claimed by their respective parent claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-42, are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims 1-42 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the instant specification, Page 10, lines 15-20 filed on 06/29/2001. In that paper, applicant has stated "Embodiments of the invention may stem from realizations that when inserting flow records without specifying a key structure, thus building a C-ISAM data file without actually building an index file, the insertion speed can be improved, for example by about 50% on Sun Ultra 10 and Sun 450 servers", and this statement clearly indicates that the invention is different from what is defined in the claim(s) because none of the claims in the instant application specifies the benefit of building a deferred index as disclosed in the instant specification.

Claims 4-5, 10-11, 17-18, 23-24, and 31-32, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms lack proper antecedent basis:

The building – claim 5, 11;

Building – claim 13;

The means for building –claims 18, 24

The language in the following claims is not clearly understood:

1) As to claims 4 and 6, it is unclear what does the cited subject matter “the beginning” refer to [i.e., Does it referred to a particular starting point of time, or the action of beginning to build, or others ?]

2) As to claims 17 and 23, it is not understood what is it meant by “means for beginning comprises: means for building the index...” [i.e., If the claimed means for beginning refers to a starting point of time, how can it comprises means for building the index?]

3) As to claim 27, the claim is incomplete, since it missing any verb, therefore, there is no prior art rejection.

4) As to claim 33, it is uncertain what is it meant by “the computer-readable program code is configured to store is configured to execute on a first processor”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2171

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-26 and 28-42, are rejected under 35 U.S.C. 102(e) as best as the examiner is able to ascertain being anticipated by Cheng at al. (U.S. Patent No. 5,204,956).

As to claims 1-5, 9-11, 14-18, 22-24, 28-32, and 37-39, Cheng at al. (hereinafter referred as Cheng) discloses a system with methods / means / computer program product to perform the following functions:

a) storing the spaced apart bursts of data records in a database [e.g. the step 300, Fig. 4A; col. 2, lines 60-62, 65-67].

b) deferring the build of an index for a corresponding one of the spaced apart bursts until the corresponding one of the series of spaced apart records being stored in the database [e.g. the steps 300-302, Fig 4A; col. 2, lines 45-48].

As to claims 6-7, 12-13, 19-20, 25-26, 33-34 and 40-41, Cheng further discloses that the system can be configured to either store / build the index on either a different or single processor [col. 2, lines 51-57].

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is following: Egbert et al. (U.S. Patent No. 6,084,877) which teaches a network switch port configured to generate an index for the network switch routing table using programmable hash function.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y Chen whose telephone number is (703) 308-1155. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (703) 308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-6296.

Susan Chen

Nov. 4, 2003



UYEN LE
AU 2171